

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 05-10286-PBS

**DOMINIC DIMODICA,
Plaintiff,**

v.

**ROBERT MURPHY, *et al.*,
Defendants.**

**SECOND MOTION TO EXTEND TIME OF DEFENDANTS ROBERT MURPHY,
KATHLEEN DENNEHY AND THE MASSACHUSETTS DEPARTMENT OF
CORRECTION TO FILE ANSWER
(Assented to by Plaintiff)**

The Massachusetts Department of Correction (“DOC”), Kathleen Dennehy and Robert Murphy (collectively, the “DOC Defendants”), hereby request that the Court further extend the time for them to file an answer to the Amended Complaint, if one is required, from February 15, 2007, to and including March 15, 2007, the date on which their summary judgment motion is required to be filed.

As grounds for this motion, the DOC Defendants state that, when their undersigned counsel filed the previous request for extension, the intent was to make the date for filing an answer, if any, conform to the date for filing their summary judgment motion. At the Plaintiff’s request (and with the Defendants’ agreement), the Court has extended the deadlines set at the September 27, 2006 status conference. See Document 39 and electronic order entered January 30, 2007. As previously stated, the undersigned counsel intends to file a motion to dismiss or, in the alternative, for summary judgment. Thus, it is likely that no answer to the Amended

Complaint will be required. To the extent that an answer is required, allowing it to be filed along with the dispositive motion will not delay the resolution of this case.

WHEREFORE, the DOC Defendants respectfully that this Court allow this motion.

Respectfully submitted,
Massachusetts Department of Correction,
Kathleen Dennehy and Robert Murphy,

By their attorneys,

NANCY ANKERS WHITE
Special Assistant Attorney General
/s/ Mary P. Murray

By: Mary P. Murray, Counsel (BBO # 555215)
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Massachusetts Treatment Center
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Dated: February 14, 2007

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1 of the Local Rules of the United States District Court for the District of Massachusetts, I hereby certify that I have conferred by e-mail with Jennifer Serafyn, the Plaintiff's counsel, who has indicated that the Plaintiff assents to this extension of time.

/s/ Mary P. Murray
Mary P. Murray

Certificate of Service

I hereby certify that I caused a copy of the within document to be served on counsel of record electronically through the ECF system for those registered as of this date and by first class mail to any party not registered as of this date.

/s/ Mary P. Murray
Mary P. Murray

Dated: February 14, 2007